

REMARKS/ARGUMENTS

The office action of January 14, 2005, and the Advisory Action of April 15, 2005, have been carefully reviewed and these amendments and remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-21, 23-37, and 39 have been amended. Claims 47-49 have been added. Claims 1-41 and 47-49 remain pending in this application. Claim 42-46 have been canceled without prejudice or disclaimer.

Preliminarily, Applicants would like to thank the Examiners for the courtesies extended to the undersigned during the telephonic interview of April 20, 2005.

Claims 1-9, 12-26 and 29-34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,865,464 to Bhandari et al. ("Bhandari"). Applicants respectfully traverse this rejection.

Claims 1-8 and 18-25

Applicants have amended independent claims 1 and 18 to recite, among other features, "wherein the step of inferring includes a step of determining whether data associated with the captured media object exceeds a threshold, wherein the step of inferring includes a step of determining into which group of stored media objects to store the captured media object." Bhandari is a method for using natural language for the description, search, and retrieval of multi-media objects. (Bhandari, Abstract). Bhandari at least fails to teach or suggest these features of Applicants' amended independent claims 1 and 18. Accordingly, independent claims 1 and 18 are patentably distinct from Bhandari. Claims 2-8, which ultimately depend from claim 1, and claims 19-25, which ultimately depend from claim 18, are patentably distinct from Bhandari for the same reasons as their ultimate base claim and further in view of the novel and non-obvious features recited therein.

Claims 9 and 26

To the extent independent claims 9 and 26 have the same or similar features as the independent claims 1 and 18 discussed above, the reasons differentiating those claims from

Bhandari apply to claims 9 and 26 as well. Accordingly, claims 9 and 26 are patentably distinguishable from Bhandari.

Claims 12-14 and 29-31

To the extent independent claims 12 and 29 have the same or similar features as the independent claims 1 and 18 discussed above, the reasons differentiating those claims from Bhandari apply to claims 12 and 29 as well. Accordingly, claims 12 and 29 are patentably distinguishable from Bhandari. Claims 13 and 14, which depend from claim 12, and claims 30 and 31, which depend from claim 29, are considered allowable over Bhandari for the same reasons as their base claim, and further in view of the advantageous features recited therein.

Claims 15 and 32

To the extent independent claims 15 and 32 have the same or similar features as the independent claims 1 and 18 discussed above, the reasons differentiating those claims from Bhandari apply to claims 15 and 32 as well. Accordingly, claims 15 and 32 are patentably distinguishable from Bhandari.

Claims 16, 17, 33 and 34

To the extent independent claims 16, 17, 33 and 34 have the same or similar features as the independent claims 1 and 18 discussed above, the reasons differentiating those claims from Bhandari apply to claims 16, 17, 33, and 34 as well. Accordingly, claims 16, 17, 33, and 34 are patentably distinguishable from Bhandari.

Claims 10, 27, and 35-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bhandari in view of Loui et al., "Software System for Automatic Albuming of Consumer Pictures," published by ACM Multimedia Conference, 1999 ("Loui '99"). Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bhandari in view of Loui et al., "Automatic Image Event Segmentation and Quality Screening for Albuming Applications," published by IEEE International Conference on Multimedia and Expo, 2000 ("Loui '00"). Claim

28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bhandari in view of Loui '99 and further in view of Loui '00. Applicants respectfully traverse these rejections.

Claims 10 and 27

To the extent independent claims 10 and 27 have the same or similar features as the independent claims 1 and 18 discussed above, the reasons differentiating those claims from Bhandari apply to claims 10 and 27 as well. Loui '99 fails to cure the deficiencies of Bhandari. Accordingly, claims 10 and 27 are patentably distinguishable from the combination of Bhandari and Loui '99.

Claims 35-41

Applicants' amended independent claim 35 is directed to a method of organizing media objects in a database including, among other features, detecting a capture time for each of the media objects to be organized; sorting the media objects based upon the capture time to generate a sorted list; comparing the capture time of each of the media objects with a reference value; and storing the media objects in the database based upon the comparison. The Action alleges that Bhandari discloses detecting, but relies on Loui '99 to disclose the remaining steps of sorting, comparing, and storing. To show the step of comparing the capture time of each of the media objects with a reference value, the action points to p. 160, section 2.1, paragraph 1, lines 3-27 of Loui '99.

Contrary to the action's assertion, Loui '99 neither teaches nor suggests comparing the capture time of each of the media objects with a reference value. Instead, Loui '99 segments pictures using event clustering, which can involve analyzing pictures based on time differences to determine whether pictures are from the same event or different events. For at least this reason, the combination of Bhandari and Loui '99, even if proper, does not result in the claim 35 invention.

Claims 36-41, which ultimately depend from claim 35, are patentably distinct from the combination of Bhandari and Loui '99 for the same reasons as their ultimate base claim and further in view of the novel and non-obvious features recited therein.

Claims 11 and 28

Applicants submit that the combination of Bhandari with either Loui '99 or Loui '00, or both Loui '99 and Loui '00 does not result in the invention of claims 11 and 28 for substantially the same reasons set forth with respect to claims 10 and 27.

New claims 47-48, which depend on independent claim 1, are patentably distinguishable over the art of record for at least the same reasons as their base claim and further in view of the novel features recited therein. Support for new claims 47-48 can be found throughout the original written description and drawings. No new matter has been added with the addition of these claims.

New independent claim 49 is fully supported by the original written description and drawings. No new matter has been added with the addition of this claim. The art of record fails to at least teach or suggest Applicants' claim 49 features of, "determining where the captured media object is to be stored with respect to the stored media objects that are related to the captured media object based upon the obtained information; and storing the captured media object in the database." As such, Applicants' claim 49 is patentably distinct over the art of record.

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: May 26, 2005

By: 

John M. Fleming
Registration No. 56,536

1001 G Street, N.W.
Washington, D.C. 20001-4597
Tel: (202) 824-3000
Fax: (202) 824-3001